

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ST. JOSEPH PARISH ST. JOHNS,

Plaintiff,

v.

DANA NESSEL, in her official
capacity as Attorney General of
Michigan, *et al.*,

Defendants.

No. 1:22-cv-1154

**PLAINTIFF'S MOTION
FOR LEAVE TO FILE A
NOTICE OF SUPPLE-
MENTAL AUTHORITY**

Pursuant to Local Civil Rule 7.2(c), Plaintiff St. Joseph's Parish St. Johns ("St. Joseph") hereby moves for leave to file a Notice of Supplemental Authority in support of St. Joseph's Response (ECF No. 47) to Defendants' Motion to Dismiss (ECF No. 43). St. Joseph's Notice of Supplemental Authority is attached as Ex. A.

1. On June 21, 2023, the Second Circuit Court of Appeals issued its decision in *Vitagliano v. County of Westchester*, No. 23-30, ___ F.4th ___, 2023 WL 4095164 (2d Cir. Jun. 21, 2023) (Ex. B).

2. On June 20, 2023, the Fifth Circuit Court of Appeals issued its decision in *Braidwood Mgmt., Inc. v. EEOC*, No. 22-10145, ___ F.4th ___, 2023 WL 4073826 (5th Cir. Jun. 20, 2023) (Ex. C).

3. The *Vitagliano* and *Braidwood* decisions both considered and rejected arguments currently raised by Defendants' Motion to Dismiss and supporting briefs (ECF Nos. 44, 48).

4. Pursuant to W.D. Mich. L.R. 7.1(d), counsel for St. Joseph contacted counsel for Defendants via email on June 23, 2023, to seek concurrence, which was denied on June 26, 2023.

WHEREFORE, St. Joseph requests that the Court grant St. Joseph's Motion for leave to file the attached Notice of Supplemental Authority.

Dated: June 26, 2023

Respectfully submitted,

/s/ William J. Haun

Lori H. Windham

William J. Haun
Nicholas R. Reaves
Brandon L. Winchel*
The Becket Fund for Religious Liberty
1919 Penn. Ave. NW, Suite 400
Washington, DC 20006
Telephone: (202) 955-0095
Facsimile: (202) 955-0090

William R. Bloomfield (P68515)
Catholic Diocese of Lansing
Lansing, Michigan 48933-1122
(517) 342-2522
wbloomfield@dioceseoflansing.org

* Not a member of the DC Bar;
admitted in California. Practice
limited to cases in federal court.

Counsel for Plaintiff

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ST. JOSEPH PARISH ST. JOHNS,

Plaintiff,

v.

DANA NESSEL, in her official
capacity as Attorney General of
Michigan, *et al.*,

Defendants.

No. 1:22-cv-1154

**BRIEF IN SUPPORT OF
PLAINTIFF'S MOTION
FOR LEAVE TO FILE A
NOTICE OF SUPPLE-
MENTAL AUTHORITY**

For the reasons set forth in the above Motion, St. Joseph, by and through the undersigned attorneys, requests that the Court grant St. Joseph's Motion for Leave to File a Notice of Supplemental Authority in support of St. Joseph's Opposition (ECF No. 47) to Defendants' Motion to Dismiss (ECF No. 43). The proposed Notice is attached as Ex. A to this Motion. As detailed in the proposed Notice, the new circuit decisions identified by St. Joseph—issued only last week—bear directly on Defendants' pending Motion to Dismiss and the supporting briefs. Resolving that Motion will be aided by considering the new decisions.

Dated: June 26, 2023

Respectfully submitted,

/s/ William J. Haun

Lori H. Windham

William J. Haun

Nicholas R. Reaves

Brandon L. Winchel*

The Becket Fund for Religious Liberty

1919 Penn. Ave. NW, Suite 400

Washington, DC 20006

Telephone: (202) 955-0095

Facsimile: (202) 955-0090

William R. Bloomfield (P68515)

Catholic Diocese of Lansing

Lansing, Michigan 48933-1122

(517) 342-2522

wbloomfield@dioceseoflansing.org

* Not a member of the DC Bar;
admitted in California. Practice
limited to cases in federal court.

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2023, I electronically filed the foregoing documents using the Court's electronic filing system, which will notify all counsel of record authorized to receive such filings.

/s/ William J. Haun

William J. Haun
The Becket Fund for Religious Liberty
1919 Penn. Ave. NW, Suite 400
Washington, DC 20006
Telephone: (202) 955-0095
Facsimile: (202) 955-0090
whaun@becketlaw.org